



# Midland Cemetery

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## Rules and Regulations

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## **MIDLAND CEMETERY HISTORY**

The first Midland cemetery was located at West Main Street and Revere Street. This site, now Revere Park, was used for cemetery purposes until the year 1889.

The present cemetery originally consisted of forty acres and has been used as a cemetery since June 13, 1873. The Samaine section of the cemetery was presented to the Cemetery Board by Herbert H. and Grace A. Dow on April 30, 1925. This gift added four acres to the existing tract. The one acre plot where the sexton's house was located was acquired from Elias and Mary A. Samaine on May 25, 1900.

In 1907, a joint Township-City Board was appointed, and this Board operated the Cemetery until May 11, 1949, and on that date, the City of Midland assumed the full operation and maintenance.

A gift of land by Macauley and Helen Whiting in 1979 allowed the platting of the Little Shepherd, Parkside, Arbor Glen and Hillcrest Garden areas in 1980.

Article 6 of the Code of Ordinances was adopted to regulate the acquisition, maintenance, operation and control of cemeteries and to create a trust fund for perpetual cemetery care. It replaced Ordinance 347.

Adopted Ordinance 347, the original cemetery ordinance, May 11, 1949.

Code of Ordinances (replace Ordinance 347) adopted June 1, 1970.

Regulations effective February 1, 1950, and revised periodically through March 2012.

## **INTRODUCTION**

The City of Midland presents the following rules and regulations, as required under Chapter Six, Cemeteries, of the Code of Ordinances of the City of Midland, to provide the best services possible in the Midland Cemetery and to provide for modern cemetery improvements without imposing unnecessary restrictions on individual tastes.

Purchasers of grave spaces acquire the right and privilege of burial and the erection of markers and/or monuments, subject to the rules and regulations now in force or those enacted by the City Council in the future.

**COMMON QUESTIONS**

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**NOTICE**

It is recommended that persons wishing to purchase lots first inspect them at the cemetery before coming to the City Clerk’s Office. The cemetery office may be contacted by visiting the cemetery weekdays or by calling 832-2807. If busy, call 837-3310. All arrangements for cemetery lots and services must be made at the City Clerk’s Office and all payments made at the office of the City Treasurer in the City Hall.

City Clerk	Midland Cemetery
Phone 837-3310	Phone 832-2807

**DEFINITIONS**

- A. GRAVE SPACE  
The term grave space is an area necessary to accommodate an interment. An adult is a minimum 3.5’ x 10’, an infant grave space is 3’ x 8’ or 3’ x 5’, and a cremation grave space is 18” x 18”.
- B. SINGLE SPACES  
Single spaces are individual graves.
- C. LOT  
The term lot is an area consisting of two or more grave spaces.
- D. INTERMENT  
Interment means the permanent disposition of the deceased person by burial. This may mean inurnment (burial of ashes), or entombment.

**E. STONE**

A stone is a monument or marker of granite, marble, bronze or other material approved or the Director of Public Services or persons authorized by him. However, marble is no longer permitted for new installations, except for the military area, because of its tendency to deteriorate and stain.

**F. MARKER**

A marker is a stone either flush or above ground indicating the given names of the deceased, or the given and family names of the deceased on at least the westerly face of the stone. The names may appear on both sides if desired. Markers are located at the west end of the grave space unless otherwise indicated herein.

**G. MONUMENT**

A monument is a stone extending above ground inscribed with the family name only. It is located on the east end of the lot.

**H. LOT MARKER**

A lot marker is a ceramic or cement post, or metal marker, used by the cemetery to indicate lot or grave corners.

**I. RESIDENT**

Means a person whose legal residence at time of grave space purchase was in the City of Midland or Midland Township or who has lived in either municipality at least 10 years. The residency or non-residency of all persons to be interred is governed by the residency status of the purchaser.

**J. PERPETUAL CARE**

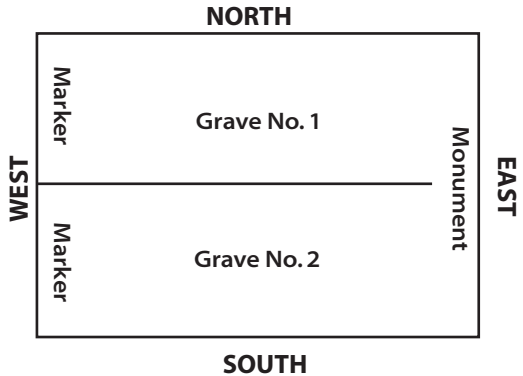
Amounts designated in section 6–20 of the Code of Ordinances, collected and placed in a Trust Fund with the earnings thereof available to be budgeted by the City Council for normal operating expenses of this cemetery.

**I. GENERAL INFORMATION**

All graves are so designed that the deceased faces the east.

All graves in each lot are numbered left to right as one faces the east.

The order of interments is up to each family. Most, however, place the wife to the right (as one faces east) of the husband.



**II. GENERAL REGULATIONS**

Section 6-19 of the Code of Ordinances states that the City Council shall from time to time, by resolution make such rules and regulations for the burial of the dead, the care, management and protection of the grounds, monuments and appurtenances of the City Cemeteries and for public use and orderly conduct of persons visiting such cemeteries, as it may deem necessary.

The following rules are in accord with the ordinance and violation of such rules will be treated as a civil infraction.

**A. CONDUCT IN CEMETERIES**

- 1. Rubbish shall be placed in containers as provided.
- 2. Wild or domestic flowers, trees and shrubs are placed for the beautification of the cemetery and are not to be picked or mutilated.
- 3. Alcoholic beverages are not to be consumed in the cemetery.
- 4. Pets are not permitted on the cemetery grounds.
- 5. Advertising is not permitted.
- 6. Firearms will not be permitted in the cemetery except for authorized volleys at burials or memorial services.

7. The City shall not be responsible for any damage to lots or structures or objects thereon, or for flowers or articles removed from any lot or grave.
8. Traffic laws of the City of Midland shall be strictly enforced. In addition to this, the following regulations shall be observed:
  - a) No driving in excess of 15 miles per hour.
  - b) No driving off established roads without permission.
  - c) No use of the roads as public thoroughfares.
9. At least one gate into the Cemetery shall be open at all times.

## B. MAINTENANCE

### 1. GENERAL CARE

- a) The City will provide the cutting and trimming of grass at reasonable intervals and such other care as is necessary to maintain uniformity in the appearance of the cemetery. This will apply to all lots and graves in the Midland Cemetery. All areas sold include General Care.
- b) All grave openings will be sodded or seeded by cemetery personnel at the time of interment or at the appropriate time of the year.

### 2. SPECIAL CARE

- a) Special care items, not covered under "general care" must be approved by the Director of Public Services. Fees will be charged for special care and will be determined by the Director of Public Services.

## C. PLANTINGS AND IMPROVEMENTS

### 1. GARDEN SECTIONS (flush markers only)

- a) Because of the need to allow this section of the cemetery to appear to be an attractive, well designed garden, planting of flowers, shrubs and trees is not permitted by individuals. The City

may provide and maintain flower beds in certain areas for the beautification of this section.

- b) Any grave decorations must be placed on or within the marker.
- c) Potted plants and wreaths are permitted and are to be placed on the marker. They will be removed if not placed on the marker, when they die or, in the judgment of the cemetery personnel, become unsightly.

### **III. GENERAL RULES**

These rules are designed solely to allow the development and maintenance of a dignified and attractive facility while protecting the rights of each lot and grave owner.

1. All plantings and other improvements must be made under the direction and with the approval of the Director of Public Services or persons duly authorized by him. No trees or shrubs may be removed or pruned, except under the direction and with the consent of the Director of Public Services or persons authorized by him.
2. Coping, plastic edging and landscape timbers are permitted so long as they do not extend more than 12" from the marker and do not extend beyond the dimensions of the grave space. Flowers, ground cover, bark or other natural material except stone, may be placed within 12" of the marker when contained within coping, plastic edging or landscape timbers. Such structures may be removed, if in the opinion of cemetery personnel, they have become unsightly.
3. No elevated mounds may be built over graves and no lot may be filled above the grade established by the City.
4. Vases and receptacles of a suitable type shall be permitted if properly installed and maintained. A suitable container is a container designed for flowers or plants, which does not rust or shatter, nor is easily breakable.

Failure to use a suitable container or properly place them or maintain them will be cause for their removal by cemetery personnel.

5. Artificial flowers and decorations are permitted in all sections from April 1 through October 1. Due to leaf blowing, only plants suspended by shepherd hooks or planted in the ground within 12" of the marker are allowed from October 2 through Thanksgiving. Winter decorations consisting of evergreen blankets or wreaths may be maintained on graves from the week of Thanksgiving to April 1st.

Decorations placed out of season or those which in the opinion of the Cemetery personnel have become unsightly, will be removed.

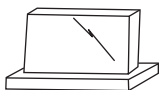
6. Rubbish, refuse and unused containers must not be left on grave spaces.
7. An owner may embellish his lot or grave with trees and shrubs subject to obtaining permission from the cemetery office. Plantings out of harmony with the general landscape design of the cemetery grounds or any other planting which may interfere with adjacent lots will not be allowed. The owner may choose from a variety of shrubs and evergreens, for planting on the lots, from a list which may be obtained from the cemetery office. Trees and shrubs, once planted in the cemetery, become the property of the cemetery. Trimming and shaping of shrubs may be performed by the lot owner or their designees with the approval of the Cemetery staff, however the cemetery staff shall have the right to trim shrubs or trees which impact the general appearance of the Cemetery. Removal of shrubs or trees will be performed by cemetery personnel.
8. Plant materials which die, which grow too large or of a type not permitted by these rules will be removed by Cemetery personnel. Replacement may be made by an individual owner in accord with III-7 above.
9. "Eternal" flames which are enclosed and placed within twelve (12) inches of a stone are permitted, but are the sole responsibility of the lot or grave owners.
10. In Section J, summer decoration is limited to real or artificial flowers in an approved container.



11. No private underground sprinklers may be installed in the cemetery after January 29, 1991.

#### IV. MONUMENTS AND MARKERS

Two Piece Monument  
or Marker



One  
(raised)



Piece Marker  
(flush)



##### A. MATERIALS

1. Only granite or cut stone (but not marble) from recognized monument quarries or standard bronze may be used for markers or monuments. Bronze may be used for markers extending above the grade only if attached to a granite base.
2. The above standard does not prohibit the use of standard metal markers of the type used by Veteran's Organizations for veteran's graves, when placed adjacent to the marker or monument.
3. In the interests of continuing uniformity, markers in the military section of Section F shall be the Federal Government provided type.

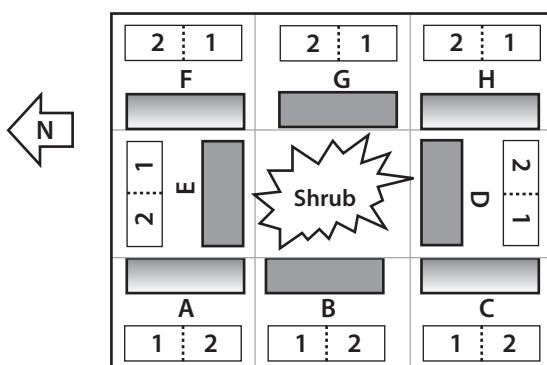
##### B. MAUSOLEUMS

1. Mausoleums not to exceed 6' in height are allowed in the Midland Cemetery with the following provisions:
  - a) Mausoleums must conform to City specifications as regards to materials.
  - b) Will be placed only in an area which does not require machinery on other occupied graves.
  - c) Perpetual care will be charged at one and one half times the standard rate.
  - d) The foundation will not be provided by the cemetery, nor included in the cemetery rate, but must conform to City specifications.

## C. FOUNDATIONS

1. Monuments and markers, including those installed ahead of burials, will be placed on foundations of solid masonry. The foundation will be constructed eight inches wider and longer than the marker or monument base, except for flush markers, to permit a four inch apron. The cost for the apron will be borne by the City. Construction of concrete foundations will be done only by Cemetery employees. Granite foundations will be allowed. Installation, care and expense of granite foundations are the responsibility of the lot owner.
2. Section "X" and the Hillcrest Gardens No. 1 are garden sections. Flush markers only are allowed and shall be placed at the west end (head) of the grave space. The top of the foundation will be at such height as to permit the marker to be installed flush with the level of the ground.
3. In Section M, N, O, Q, Little Shepherd and Parkside, only markers, both flush and above ground, are allowed, and they shall be placed at the west end (head) of grave spaces.
4. In the Arbor Glen section all above ground stones, both monuments and markers shall be placed at the east end (foot) of grave spaces. Flush markers only, may be placed at the west end (head) of grave spaces.
5. In Section J, the inurnment section, each lot is limited to one marker. Lots B, D, E, and G in each quadrangle may have flush or above ground markers (not to exceed 34" in length and height). Lots A, C, F, and H in each quadrangle shall be a flush marker only (not to exceed 34" in length).

## SECTION J - TYPICAL LOT LAYOUT



6. In Sections Samaine, A Samaine, B Samaine, Hillcrest and Forestview, A, B, C, D, E, F, G, H, I, K, L, M, P, Q, R, S, T, U, V, W, Y, and Z, markers only, both flush and above ground, are allowed at the west end (head) of grave spaces. Monuments shall be placed at the east end (foot) of grave spaces.
7. In sections where raised markers are allowed, one above ground marker will be allowed per grave space. Additional markers on spaces used for multiple burials must be installed flush with the ground.
8. Markers or monuments shall not be delivered until an order for foundation installation has been placed with the City Clerk's Office.

### D. INSTALLATION

1. Markers and monuments 2'x 1' or less, or any bronze markers will be installed by cemetery personnel in order to secure them in the foundation.
2. All markers and monuments more than 2'x 1' in size must be installed by others under the supervision of the Sexton.
3. Those persons engaged in installing monuments and markers shall provide planking adequate to protect turf and shall remove material, equipment and rubbish immediately upon completion of work. The site shall be left in a clean, orderly condition. Ropes or cables shall not be attached to trees or other objects except with the approval of the cemetery supervisor.

4. No monument shall be installed until all fees and charges due the City of Midland are paid in full.

## **V. FUNERALS AND INTERMENTS**

### **A. FUNERALS**

1. All funeral processions within the cemetery shall be directed by the cemetery supervisor.
2. Workmen engaged in the vicinity of a burial shall suspend their labors during services at a grave.
3. Cemetery personnel will remove the funeral designs and floral pieces as soon as they become unsightly.

### **B. INTERMENTS**

1. No interments shall be made on Sundays or holidays unless ordered by the Health Department. Holidays are designated as New Years, Good Friday, Memorial Day, July Fourth, Labor Day, Thanksgiving, Friday after Thanksgiving and Christmas Eve and Christmas Day.
2. No interment can take place without a Burial Permit.
3. No grave will be opened unless the grave space has been paid for unless the funeral director assumes the responsibility of payment for such grave space.
4. Funeral directors making arrangements for burials shall be responsible for all charges and these charges must be paid monthly unless other arrangements are made. Interest and penalties of one and one-half percent per month shall be added on balances remaining unpaid after 30 days from time of billing.
5. If the deceased to be interred is not the lot owner or is not a member of the lot owner's immediate family, written consent of the owner, owners, or authorized agent must be filed with the City Clerk before interment will be permitted.

6. All burials shall be in vaults or concrete rough boxes except as follows:
  - a) Inurnments (burial of ashes from cremation).
  - b) Infant burials in casket size 2' and 2'6".
  - c) Cremation vaults over 6" in height shall not be allowed if cremation burial is over an existing adult burial.
7. Vaults, concrete rough boxes and covers for same are to be installed by firms authorized by the Director of Public Services.
8. No interment shall be made in the front seven feet of aisle lots in Sections A,B, and R.
9. Tent and trim for burials are permitted, and are supplied, installed and removed by burial vault companies.
10. A standard adult grave may be used in the following ways:
  - a) One adult interment.
  - b) One adult interment and up to three inurnments without vaults.
  - c) Up to four inurnments.
  - d) Up to two infant interments.
11.
  - a)The lots in Section J and Oc are designed solely for inurnments. A maximum of two inurnments are allowed per nine square foot lot.
  - b)The lots in Forestview are designed solely for inurnments. A maximum of two inurnments are allowed per twelve square foot lot.
12. A casket or alternative container, as a minimum, shall be of strong, thick, particle board with sufficient strength to support a human body and a minimum of four (4) exterior handles for carrying, with a cover not easily dislodged. Cardboard, pressed paper or similar materials are not acceptable.

## **VI. DISINTERMENTS AND REINTERMENT**

- A. Disinterments and reinterment shall not be made without permission of the City Clerk, the lot

owner, and the next of kin of the deceased, and the proper permits from the Health Department.

- B. Top seal type vaults may be removed at any time of the year. Disinterment of any other type vault shall only be allowed from October 1st to April 30th (except for official investigation).
- C. Graves cannot be opened for inspection except for official investigation.

## **VII. PRICES AND CHARGES**

### **A. CONDITIONS OF GRAVE PURCHASE**

1. All lots and graves shall be sold subject to these rules and regulations, as they may be amended from time to time, and the deed shall so state.
2. No grave space shall be used for any purpose other than the burial of human remains and the placing of appropriate memorials.
3. Burial areas are exempt from ordinary taxes and cannot be seized on execution.
4. The City may impose specific charges against lots or grave spaces.
5. No mortgage or other encumbrance shall be given any grave space or lot.
6. No burial area may be purchased or sold or rights transferred for speculative purposes.
7. A grave, whether platted as a single grave or part of a multi-grave lot, may be sold as a single grave or in any combination of graves, subject to eight (8) below.
8. When more than two lots (or the equivalent number of grave spaces) in the same section are purchased, unless interments are made on all said lots at the time of purchase, the price of each additional lot shall be one and one-half times the current base price of lots in the section. When a grave space or lot is paid for in full, a deed shall be issued to the purchaser by the City Clerk.
9. When a lot is purchased by more than one

person, each person's interest in the lot shall be specifically defined.

10. Grave spaces having trees are not available for purchase. Grave spaces on treed lots which are suitable for interments may be sold. The price of these usable grave spaces, including perpetual care fees, shall be prorated from the established lot prices. The policy in this rule is not retroactive.

## B. CONDITIONS OF TRANSFER

1. The transfer of lots or parts of lots to another party shall be recorded in the Office of the City Clerk and shall require a fee of \$15.00 unless VII, B2 is applicable.
2. A transfer of a lot to an unrelated non-resident will cost the difference between the resident and non-resident purchase price.
3. No person shall be recognized as owner or part owner unless so recorded in the Office of the City Clerk.
4. All transfers of parts of lots less than that conveyed from the City to the lot owner must be approved by the Director of Public Services or those duly authorized by him.
5. Upon the death of the owner or the last to die of joint or multiple owners of a grave space, title to said grave space shall be governed by the disposition as set forth in the last will and testament, in the case of a testate estate, or by the laws of descent and distribution of the State of Michigan in the case of an intestate estate. It shall be the responsibility of anyone claiming ownership of a grave space under these provisions or as a result of any transfer of ownership to provide the City with such proof, as shall be satisfactory to the City, of said person's legal ownership of said grave space.

## C. SINGLE SPACES

1. Graves in the military area are provided for immediate interment only and in consecutive order. They are available only to persons who died while serving in the armed forces of

the United States or who have received honorable discharge. There is no charge for the grave space, however, perpetual care and grave opening and closing will be charged. Graves in these sections may only be marked by a military style, upright, white marble marker.

2. A grave in Section “N” and “O” and in the Little Shepherd area may be purchased only at the time of interment and shall be sold in consecutive order only. Section “N” and the Little Shepherd area are reserved for infants up to and including two years of age.

NOTE: THE CURRENT FEES AND CHARGES IN THE FOLLOWING SECTIONS AS ADOPTED BY THE CITY COUNCIL ARE AVAILABLE ON REQUEST.

D. PURCHASE PRICES

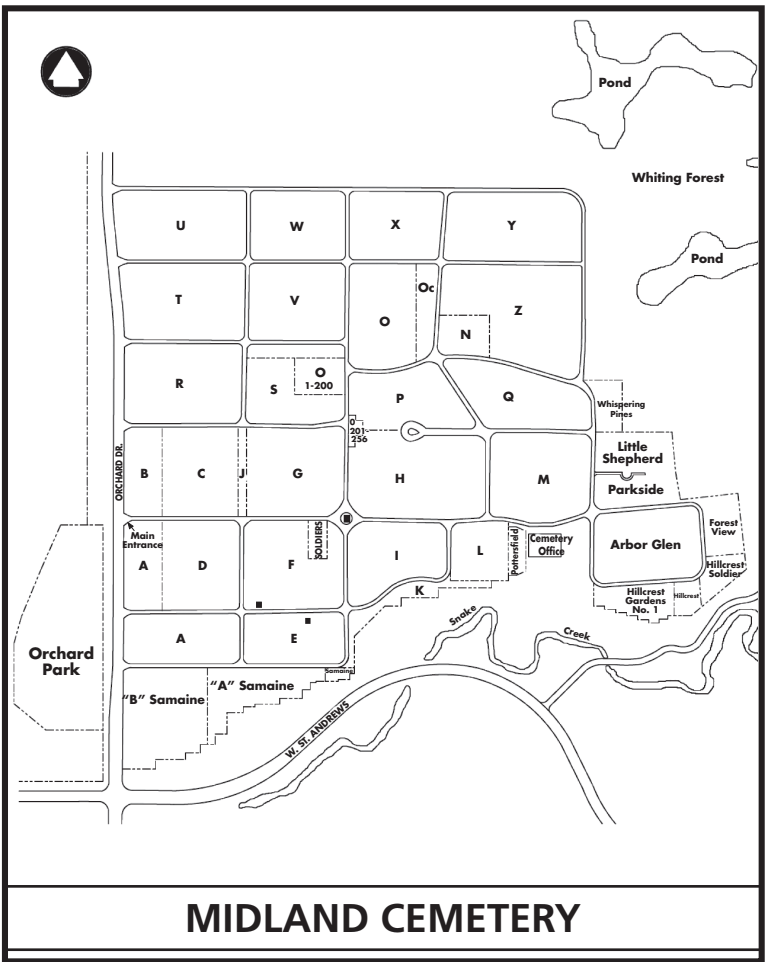
E. SPECIAL CARE

F. INTERMENT AND DISINTERMENT

G. INDIGENT

H. FOUNDATIONS





INFANT SECTIONS:  
Section "N"  
Little Shepherd

GARDEN SECTIONS:  
Section "X"  
Hillcrest Garden No. 1

PARK SECTIONS  
Arbor Glen

INURNMENT SECTION:  
Section "J", "OC" &  
Forest View  
All Sections

